
**TRIBAL AFFILIATION
INQUIRY**

Identification of an Indian child at the earliest point of contact. Caseworkers must inquire of the parent(s), caretaker(s), child(ren), or Indian custodian(s) for each child in the household.

Note: Caseworkers must document that this question was asked, of whom, and how it was answered.

Circumstances in which the court, department or other party has reason to believe a child is an Indian child includes, but are not limited to:

- Someone informs the court that the child is an Indian child.
- The residence or domicile of the child, his or her biological parents, or the Indian custodian is known by the court to be or is shown to be a predominantly Indian community.
- Any public or state-licensed agency involved in child protection services or family support has discovered information that suggests the child is an Indian child.
- The child who is the subject of a legal proceeding gives the court reason to believe s/he is an Indian child.
- An officer of the court involved in a legal proceeding has knowledge that the child may be an Indian child.

If the child or the child's parent has affiliation with an American Indian/Alaska Native tribe, the caseworker must gather as much of the following information from the child or parent or any other person with knowledge of the child's or parent's tribal affiliation in a culturally competent manner:

- Name of the tribe(s) in which the child or parent is a member or eligible for membership.
- The tribe's address and telephone number.
- A copy of the tribal identification card or letter from the tribe regarding enrollment or identification number(s) of the parent(s) and child(ren).
- Name of the child's:

- Birth mother (including any maiden name).
- Maternal and paternal grandparents.
- Putative, biological, or legal father.
- Birth places of the child and the child's parents.
- Social Security numbers for the child and the child's parents.
- If the birth mother was adopted, the name of the mother's birth mother (if available).
- Certificate of Indian blood of the child and parents.
- Other information about extended family members, including the names, clan affiliation, dates of births, and addresses of grandparents, aunts, uncles, cousins, great grandparents, step-parents, first and second cousins; see 25 CFR 23.107.

VERIFICATION OF TRIBAL MEMBERSHIP

Caseworkers must utilize the MDHHS-5598, American Indian/Alaska Native (AI/AN) Child Tribal Enrollment/Eligibility Verification form to determine a child's potential tribal affiliation. The MDHSS-5598 may be sent via email, fax, regular mail, or delivered in-person to the ICWA Designated Tribal Agent for the tribe(s) in which the child may have affiliation.

For cases where the department initiates a child custody proceeding/petition in court concerning a child who may have tribal affiliation, the caseworker must also send ICWA notice utilizing the DHS-120 American Indian/Alaska Native (AI/AN) Court Hearing form and all required notice attachments (petition, mailing recipient contact list, etc.); see NAA 210 Notification of Court Proceeding.

Only individual tribes can verify tribal membership or eligibility.

Caseworkers must utilize the [Federal Register ICWA Designated Tribal Agents for Service of Notice List \(81 FR 10887\)](#), pursuant to the Bureau of Indian Affairs (BIA) ICWA Final Rule 25 CFR 23 to identify mailing addresses and contact information for appropriate tribal ICWA staff in the United States.

Caseworker Tools: [The State of Michigan ICWA/MIFPA Field Guide](#), [Michigan Tribal Service Area Map](#), and [MDHHS/SCAO Indian Child Welfare Act Posters \(Pub 5064\)](#) may assist

caseworkers in identifying tribes in their county and case planning with clients. These caseworker tools and additional resources are available on the [MDHHS Native American Affairs website](#) for MDHHS staff and public consumers.

MDHHS Indian outreach workers (IOW) are available in 12 counties and may assist caseworkers with the Indian ancestry verification process upon approval of an Indian Outreach Services (IOS) supervisor; see IOW contact list at

http://www.michigan.gov/documents/dhs/NAA_IOS_Contacts_390164_7.pdf and DHS-382, Indian Outreach Services Referral form.

Non-respondent - Tribal Enrollment/ Eligibility Verification

For cases where a tribe has not responded to the MDHHS-5598 and subsequent Tribal Enrollment/Eligibility Verification follow up (phone, email, in-person, and/or faxed inquiries) with the ICWA Designated Tribal Agent at the child's tribe, caseworkers must document in MiSACWIS the active efforts and due diligence in obtaining tribal affiliation verification; and implement ICWA/MIFPA requirements until the court makes a finding (25 CFR 23.108 and 81 FR 96476 BIA Guidelines for Implementing the Indian Child Welfare Act).

Documentation

Caseworkers must upload all department forms for Indian child welfare case management and any tribal documentation/correspondence provided by the tribe or client into the MiSACWIS ICWA details section in the client's case record; see MDHHS Learning Management System (LMS) for MiSACWIS ICWA Job Aids.

LEGAL BASIS

Bureau of Indian Affairs (BIA) ICWA Final Rule, 25 CFR 23.

Child Protection Law, 1975 PA 238, as amended; MCL 722.621 et seq.

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.